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09/784,488

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Cheryl L. Galante

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49641 7590 06/16/2009

THE DIAL CORPORATION  
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EXAMINER

SOROUGH, LAYLA

ART UNIT

PAPER NUMBER

1617

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DELIVERY MODE

06/16/2009

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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*Ex parte* CHERYL L. GALANTE,  
DAVID L. ELLIOTT,  
IRIS DAVIS GERSTEN  
JAMES L. SOLAN  
AND HERMES VAN DER LEE

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Application No. 09/784,488  
Technology Center 1617

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Mailed: June 16, 2009

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Before DELORES LOWE, *Review Team Paralegal*  
LOWE, *Review Team Paralegal*.

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received by the Board of Patent Appeals and Interferences on June 15, 2009. A review of the application revealed that it is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner to address the following matter requiring attention prior to docketing.

## APPEAL BRIEF, STATUS OF CLAIMS

A review of the file finds that the status of the claims as provided in the Appeal Brief filed November 11, 2008 under the heading “Status of Claims” is unclear and/or is not consistent with the status of claims of record in accordance with 37 CFR 41.37(c)(1)(iii). The status of the claims as provided in the Appeal Brief must be consistent with the last entered amendment. Each claim on appeal must be identified. *See also Manual of Patent Examining Procedure* (MPEP) § 1205.02 (8<sup>th</sup> ed. Rev. 6, Sept 2007) for details.

A review of the last entered amendment finds that claims 2-4, 6, 10, 12, 14, 15, 17-19, 22-60, 62, 64-69 and 68-70 were canceled; whereas Appellants have not indicated the status of these claims. Correction of the status of all claims is required.

## CONCLUSION

Accordingly, it is ORDERED that the application is returned to the Examiner:

- 1) to hold the Appeal Brief filed on November 11, 2008 defective;
- 2) notify Appellants to file a paper properly addressing the status of all claims; and
- 3) for such further action as may be appropriate.

Application No. 09/784,488

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

/DAL/

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